

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair, Joan Duff, members Vincent Chiozzi, Jay Doherty, Lelani Loder, and associate member Zach Bergeron; also present was Jacki Byerley, Town Planner.

Warrant Articles 2013 Town Meeting:

Ms. Byerley reviewed her memo to the Board dated February 5, 2013 on the proposed Preliminary Warrant Article # P-45 to see if the Town will vote to accept Crystal Circle as a public way.

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board voted to recommend acceptance of Crystal Circle as a public way contingent upon a favorable review by Town Counsel. **Vote:** Unanimous (4-0).

Murray Hill Estates Performance Guarantee Extension:

Ms. Byerley informed the Board that Murray Hill Estates is an approved subdivision that has the roadway to binder coat, but none of the homes have been constructed. The developer is requesting a one-year extension on their \$92,100.00 performance guarantee that expired at the end of January 2013. Ms. Loder asked how many extensions a developer can be granted. Ms. Byerley answered that there was no limit on the number of extensions for a performance guarantee. Mr. Chiozzi questioned why the homes have not yet been built. Ms. Byerley answered that market conditions stopped the developer from constructing the homes.

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board voted to extend the performance guarantee for Murray Hill Estates to January 31, 2014. **Vote:** Unanimous (4-0).

Minutes:

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board voted to approve the minutes of the November 27, 2012 meeting as submitted. **Vote:** (4-0-1) Vincent Chiozzi, Jay Doherty, Lelani Loder and Zach Bergeron voting yes and Joan Duff abstaining from voting.

On a motion by Mr. Doherty, seconded by Mr. Chiozzi, the Board voted to approve the minutes of the December 11, 2012 meeting as submitted. **Vote:** (4-0-1) Joan Duff, Vincent Chiozzi, Jay Doherty and Zach Bergeron voting yes and Lelani Loder abstaining from voting.

On a motion by Ms. Loder, seconded by Mr. Chiozzi, the Board voted to approve the minutes of the January 8, 2013 and January 22, 2013 meetings as submitted. **Vote:** Unanimous (5-0)

Katsikis Estates:

The Board began deliberations on an application by James and Tasia Katsikis for a Definitive Subdivision named Katsikis Estates as prepared by DK Engineering Associates, Inc. for a two (2) lot subdivision located at 11 Ballardvale Road. Ms. Byerley reviewed her Memo to the Board dated January 31, 2013. She stated that the applicants have supplied all of the information that is required by the Subdivision Rules and Regulations and the Zoning By-law regarding the Earth Movement Special Permit. The DPW is satisfied with the plan details; however they are not in support of the requested waivers. The Fire Department is satisfied with the placement of the existing hydrant as well as the 12 ft of pavement since it will only be accessing one home.

Katsikis Estates (cont'd):

The Fire Department is requesting that a condition be placed in any approval that if another home tries to access this private way, it needs to be upgraded to 18 ft of pavement. The Board of Health has requested a condition that the existing well on Lot 1 be abandoned and filled prior to any construction. Ms. Byerley recommended the Board approve the project with the conditions stated in her memo and grant the waivers as requested. Ms. Loder questioned if the allowance of landscaping within the right of way should be taken out of the conditions. Ms. Byerley answered that a right of way can be paved or it can be a grass surface. This particular right of way will be privately owned, it was only created for the house to have the proper frontage, and it will only be accessed by one house, so the landscaping is acceptable. Ms. Byerley reviewed the 39 conditions that she is recommending be placed on the approval. Ms. Duff asked if the Board should place a condition on the approval regarding the leaning tree. Ms. Byerley stated that based on the discussion at the January 22nd meeting, she felt that the abutter and the applicant were comfortable with a private agreement on the tree. She also stated that Condition 33 addressed the abutter's concern about the infiltration trench being built to specification.

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board voted to approve the following waivers as they are in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law:

Article XIII, Sec. VI.C.2.g – The radii of the property line from 20 feet to 13.18 feet;

Article XIII, Sec. VI.C.3.a – The reduction of pavement width from 18 feet to 12 feet;

Article XIII, Sec. VI.C.3.a – The elimination of the road crown; and

Article XIII, Appendix Cul-de-sac design – The radius of the paved circle cul-de-sac from 100 feet to 25 feet. **Vote:** Unanimous (4-0).

On a motion by Ms. Loder seconded by Mr. Doherty the Board also found that the Katsikis Estates Definitive Subdivision Plan and Special Permit for Earth Movement is in conformance with the Subdivision Control Law, the Rules and Regulations Governing the Subdivision of Land in the Town of Andover, the recommendations of the Board of Health and also complies with the applicable provisions of the Andover Zoning By-law. **Vote:** Unanimous (4-0).

On a motion by Ms. Loder seconded by Mr. Doherty the Board voted to approve with conditions the application for a Definitive Subdivision Plan and the Special Permit for Earth Movement entitled "Katsikis Estates." This motion to approve with conditions is subject to the 39 conditions stated in Jacki Byerley's memo to the Board dated January 31, 2013.

Vote: Unanimous (5-0).

Adjournment: The meeting was adjourned at 7:55 p.m.